



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
South Florida Ecological Services Office  
1339 20<sup>th</sup> Street  
Vero Beach, Florida 32960



April 30, 2018

Andrew D. Kelly, Colonel  
U.S. Army Corps of Engineers  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Service CPA Code: 04EF2000-2015-CPA-0234  
Service Consultation Code: 04EF2000-2015-F-0291  
Service Re-initiation Code: 04EF2000-2015-F-0291-R034  
Corps Permit Application Number: SAJ-1992-01720 (MOD-LCK)  
Date Received: April 26, 2019  
Consultation Re-initiation Date: April 29, 2019  
Project: Sand Placement  
Applicant: Town of Jupiter Island  
County: Martin

Dear Colonel Kelly:

This document modifies the U.S. Fish and Wildlife Service's (Service) Biological Opinion dated April 2, 2018, to the U.S. Army Corps of Engineers (Corps) for the placement of sand along 8.4 miles (mi) of shoreline of Jupiter Island, Martin County, Florida (Project). In this Biological Opinion, the Corps determined that the Project may affect, and is likely to adversely affect the threatened North Atlantic Distinct Population Segment (DPS) of the green sea turtle (*Chelonia mydas*), the endangered hawksbill sea turtle (*Eretmochelys imbricata*), the endangered Kemp's ridley sea turtle (*Lepidochelys kempii*), the endangered leatherback sea turtle (*Dermochelys coriacea*), the threatened Northwest Atlantic Ocean DPS of the loggerhead sea turtle (*Caretta caretta*), the threatened piping plover (*Charadrius melodus*), and the threatened red knot (*Calidris canutus rufus*); and may affect, but is not likely to adversely affect the terrestrial loggerhead sea turtle designated critical habitat, and the threatened West Indian manatee (*Trichechus manatus*; manatee). For the purposes of this document, the five identified sea turtles will be referred collectively as sea turtles. This document is provided in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

The Service and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) share Federal jurisdiction for sea turtles under the Act. The Service has responsibility for sea turtles on the nesting beach and the NOAA Fisheries has jurisdiction for sea turtles in the marine environment. Our analysis in this document will only address activities that may impact nesting sea turtles, their nests and eggs, and hatchlings as they emerge from the nest and crawl to the sea. Please note the provisions of this consultation do not apply to sea turtles in the marine environment, such as swimming juvenile and adult sea turtles

or loggerhead critical habitat in the marine environment. If applicable, you are required to consult with the NOAA Fisheries on this Project. For further information on Act compliance with the NOAA Fisheries, please contact Karla Reece, Acting Chief of the Interagency Cooperation Branch, by e-mail at [rachel.sweeney@noaa.gov](mailto:rachel.sweeney@noaa.gov) or by phone at 727-824-5348.

This analysis is based on information provided in the Corps' April 26, 2019, letter and supplemental documents from the consultant. A complete record of this consultation is on file at the South Florida Ecological Services Office, Vero Beach, Florida.

### **Consultation History**

On November 6, 2015, the Service issued a Biological Opinion for sea turtles, piping plovers, red knots, designated terrestrial loggerhead sea turtle critical habitat, and West Indian manatees involving the placement of sand from an offshore sand source along approximately 6.1 mi of shoreline between Florida Department of Environmental Protection (DEP) reference monuments R-76 and F-84, and R-88 and R-117. The Service documented the application of the March 13, 2015, Statewide Programmatic Biological Opinion (2015-SPBO; Service 2015) and May 22, 2013, Programmatic Piping Plover Biological Opinion (P<sup>3</sup>BO; Service 2013) to nesting sea turtles, terrestrial loggerhead sea turtle designated critical habitat and manatees; and piping plovers, respectively, as it applied to the Project. An individual Biological Opinion was written concerning the effects of the Project on red knots.

On December 1, 2017, the Service received a letter and copy of the Public Notice from the Corps dated December 1, 2017, requesting modification of the Corps' permit to increase the sand fill template from 6.1 mi to approximately 8.4 mi (DEP reference monuments R-73 to R-84 and R-88 to R-117), and to document the application of the 2015-SPBO to nesting sea turtles, terrestrial loggerhead sea turtle designated critical habitat, and manatees; and the P<sup>3</sup>BO to piping plovers and red knots as it applies to the Project.

On January 31, 2018, the Service forwarded a request for additional information to the Corps.

On February 5, 2018, the Service received a partial response from the Corps concerning our request for additional information.

On February 16, 2018, the Corps completed their response to the Service concerning our request for additional information.

On February 21, 2018, the Service completed their review of the Project and initiated formal consultation with the Corps concerning the potential effects of the Project on sea turtles, terrestrial loggerhead sea turtle designated critical habitat, piping plovers, red knots, and manatees.

On March 8, 2018, the Service responded to the Federal Emergency Management Agency's letter dated March 5, 2018, requesting consultation with the Service under the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*).

On April 2, 2018, the Service modified their November 6, 2015, Biological Opinion to expand the fill template from 6.1 mi to 8.4 mi, and application of the 2015-SPBO to nesting sea turtles, terrestrial loggerhead sea turtle designated critical habitat, and manatees; and the P<sup>3</sup>BO to piping plovers and red knots as it applies to the Project.

On April 26, 2019, the Service received a letter from the Corps requesting a Project extension through to May 15, 2019.

On April 29, 2019, the Service was informed from the consultant that sand placement was completed on April 28, 2019, and that an extension through to May 7, 2019, was necessary for the removal of equipment only during daylight hours. Consequently, the Service completed their review of the proposed modification and initiated formal consultation with the Corps.

## **DESCRIPTION OF THE PROPOSED ACTION**

As outlined in the Service's modified Biological Opinion dated April 2, 2018, the Town of Jupiter Beach proposed to place beach compatible sand on approximately 8.4 mi of shoreline along Jupiter Island, Martin County, Florida within an expanded fill template (DEP reference monuments R-73 to R-84 and R-88 to R-117) compared to the 6.1 mi previously authorized fill template (DEP reference monuments R-76 to R-84 and R-88 to R-117). The berm design fill profile consisted of an average berm width of 75 to 150 feet (ft.) with a foreshore construction slope of 1 vertical ft.: 10 horizontal ft., and a berm elevation of +8.42 ft. North American Vertical Datum. In addition, the Project included a seaward expansion of the fill template between DEP reference monuments R-73 and R-80, an expansion of Borrow Area B from 563 acres (ac) to 1,143 ac, and renourishment of a protective dune located south of Blowing Rocks Preserve between DEP reference monuments R-126 and R-127.4. The intent of the Project was shoreline stabilization.

As of April 28, 2019, all sand placement activities have been completed and demobilization has commenced. All remaining beach equipment will be moved off the beach and into the beach staging area located at DEP reference monument R-110. The requested modification is for daylight demobilization activities located at the beach staging area to continue through May 7, 2019.

## **Conclusion**

Based on our review of the information provided in the Corps' April 26, 2019, letter, and sea turtle nesting data provided from the consultant, it is our conclusion that the proposed Project modification does not change the effects to listed species and critical habitat from those originally considered. In addition to the conditions outlined in the 2015-SPBO, all excavations and temporary alteration of beach topography resulting from demobilization activities will be leveled to the natural beach profile prior to dusk each day. Therefore, from this point forward, the take statement outlined in our November 6, 2015, Biological Opinion, 2015-SPBO, and P<sup>3</sup>BO will be valid for the Project and the requested time extension.

## REINITIATION NOTICE

This concludes consultation on the action outlined in the request. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if:

1. The amount or extent of incidental take outlined in the 2015-SPBO and P<sup>3</sup>BO as it pertains to the Project is exceeded. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation;
2. New information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this analysis;
3. The agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this analysis; or
4. A new species is listed or critical habitat designated that may be affected by the action.

Thank you for your cooperation in the effort to conserve fish and wildlife resources. Should you have additional questions or require clarification regarding this letter, please contact Jeff Howe at 772-469-4283.

Sincerely yours,



Roxanna Hinzman  
Field Supervisor  
South Florida Ecological Services Office

cc: electronic only

Corps, Palm Beach Gardens, Florida (Linda Knoeck)

DEP, Tallahassee, Florida (Lainie Edwards)

EPA, West Palm Beach, Florida (Ron Miedema)

FWC, Tallahassee, Florida (FWC-CPS, Denise Rach)

FWC, West Palm Beach, Florida (Ricardo Zambrano)

NOAA Fisheries, Fort Lauderdale, Florida (Audra Banks)

NOAA Fisheries, West Palm Beach, Florida (Jocelyn Karazsia)

Service, St. Petersburg, Florida (Anne Marie Lauritsen)

## **LITERATURE CITED**

- U.S. Fish and Wildlife Service (Service). 2013. Programmatic piping plover biological opinion to the U.S. Army Corps of Engineers (Service Log No. 04EF1000-2013-F-0124) for shore protection activities in the geographical region of the north and south Florida Ecological Services Field Offices (May 22, 2013). Jacksonville and Vero Beach Field Offices, Florida.
- U.S. Fish and Wildlife Service (Service). 2015. Statewide programmatic biological opinion to the U.S. Army Corps of Engineers (Service Log No. 41910-2011-F-0170) for shore protection activities along the coast of Florida (March 13, 2015). Jacksonville, Panama City, and Vero Beach Field Offices, Florida.